



MONTHLY HIGHLIGHTS

NOAA
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
HABITAT CONSERVATION DIVISION

March 2003

GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930

STATUS OF AMENDMENTS TO NEW ENGLAND GROUND FISH AND SCALLOP FISHERY MANAGEMENT PLANS

Two important habitat management milestones were reached in late March and early April. The New England Fishery Management Council, working closely with staff of the HCD/NERO, completed work on the portion of Amendment 13 of the New England Multispecies FMP/DEIS that deals with habitat conservation issues, and on Amendment 10 of the Scallop FMP/DEIS. Both amendments are still in draft form and are now subject to 90-day public comment periods. They each include a number of management alternatives that are designed to minimize the adverse impacts of fishing on EFH, as required by the Magnuson-Stevens Act, including gear modifications and closed area alternatives that, for the first time, would restrict fishing activities in New England specifically for the purpose of protecting benthic EFH. The EFH portion of the groundfish amendment will be integrated in July with the rest of the amendment that will address resource management issues. Action will be taken on both amendments by the Council this summer. **(David Stevenson, 978/ 281-9118)**

HABITAT IMPROVEMENT ON LIBBY RIVER, MAINE

Libby River flows through an undersized culvert at Blackpoint Road in Scarborough, Maine. Upstream of the culvert is well over 100 acres of salt marsh habitat. Unfortunately, the existing culvert has greatly reduced tidal exchange and limits fresh water flow out of the marsh, resulting in rapid expansion of *Phragmites*. The US Fish and Wildlife Service, the Friends of Scarborough Marsh, Ducks Unlimited, the Natural Resources Conservation Service, Maine Inland Fish and Wildlife, and the Maine Department of Transportation have partnered to address this issue. The Maine Department of Transportation has committed technical service and funds toward replacing the existing culvert. NOAA Fisheries Habitat Conservation Division staff have become involved with the early planning phase to provide technical assistance and to ensure all alternatives are examined and resource concerns addressed prior to review through the Army Corp of Engineers (ACOE) permitting process. **(Sean.McDermott@NOAA.gov, 978/ 281-9113)**

EVERETTE LATERAL PROPOSED FOR HUBLINE GAS PIPELINE

As the Hubline gas pipeline construction progresses, Duke Energy has proposed a new lateral to extend from Deer Island to Everett. Much of the proposed route will be directionally drilled. However, approximately 4000 feet of shallow water habitat will require open trench dredging. Lessons learned from nearshore and shallow water dredging along the main Hubline route indicate frequent water quality monitoring coordinated with the tidal cycle may be necessary to adjust dredging patterns and minimize impacts on marine resources. Use of a third party consultant has been an effective tool for fine tuning monitoring and taking measures to avoid impacts. The ACOE review is still in the pre-application phase; comments to the state are due on April 14 for the Massachusetts Environmental Policy Act process.

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EELGRASS MITIGATION REQUIRED FOR DREDGING IN PRIVATE COVE

An applicant proposing to dredge a small cove on Lasell Island, Maine for a private vessel will impact approximately 22,000 square feet of eelgrass. As a special condition to the Army Corps of Engineers' permit, the applicant will be required to replace the eelgrass and monitor recovery success for up to 5 years. Mitigation plans include transplanting the existing eelgrass over approximately 45,000 square feet with the bucket dredge by placing clumps on the substrate in predetermined areas. A contingency plan in the event the transplanting method does not work includes utilizing a donor site just outside the cove and the TERF's method for planting eelgrass.

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JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732

NEW YORK-NEW JERSEY HARBOR

HCD staff attended the Senior Partnering meeting that the New York District ACOE hosts each month to discuss various New York-New Jersey Harbor issues. Topics discussed this month included the progress on the various harbor deepening projects in the Arthur Kill, Port Jersey Channel, Kill van Kull, and Clean Air Act conformity and how it affects the consolidation of the harbor deepening project. Updates were presented on several operations and maintenance projects including the Jamaica Bay and Rockaway project and the Flushing Bay project. The Port Authority of New York and New Jersey discussed the need to speed up the deepening schedule for the Howland Hook facility and progress on the deepening of the berths at the Port Newark-Port Elizabeth Marine Terminal. Regulatory actions discussed include the passenger ship terminal. The permit for dredging at the terminal expires this year, and a new permit will be needed. Due to changes in the criteria for disposal at the Historic Area Remediation site, a new disposal site may be needed for the material dredged from the area. Lastly, it was noted that a Notice of Intent to Prepare an Environmental Impact Statement for the Comprehensive Port Improvement will be issued soon. **(Karen Greene, 732/ 872-3023)**

ASIAN OYSTER INTRODUCTION

The Virginia Seafood Council applied for a Department of the Army permit from the Norfolk District, ACOE to place one million sterile Suminoe oyster (*Crassostrea ariakensis*) seedlings in ten different locations in Chesapeake Bay. Because of the unknown effects of such an introduction, NMFS conferred with knowledgeable personnel in NOS, and recommended that

the permit be denied. The FWS and EPA also recommended denial for the permit. However, after considerable interagency coordination, NMFS agreed to a permit to allow the introductions as long as it were accompanied by some strict conditions to monitor the state of the oysters. (Stan Gorski, 732/ 872-3037 or Tim Goodger, 410/ 226-5723)

I-295/I-76/ROUTE 42 INTERCHANGE RECONSTRUCTION

Habitat staff participated in an intra-agency coordination meeting at NJDEP in Trenton, New Jersey on March 26, 2003 to discuss interchange studies and findings. Importantly, the Independent Utility Statement, to support that concept that the I-295/Route 42 “Missing Moves” project can go forward independently from the I-295/I-76/Route 42 Interchange Reconstruction project, was discussed. The Purpose and Needs Statements for both the Missing Moves project and the I-295/I-76/Route 42 Interchange Reconstruction project were reviewed. The construction of the Missing Moves project would provide the connector ramps between Route 42 northbound and I-295 southbound, as well as between I-295 northbound and Route 42 southbound, but this Purpose and Needs Statement will not address the safety, geometric, operational, and various other deficiencies associated with the Interchange Project. Reconstruction of the I-295/I-76/Route 42 Interchange would provide the direct “through” route on the interstate highway system that has been lacking in this interchange, but still lacking is a connection south of the interchange between Route 42 and I-295. Each project would provide valuable transportation improvements to this area of southern New Jersey, but neither one serves the purpose and needs of the other and, therefore, each project has its own independent significance and utility that would not be addressed by construction of the other project. (anita.riportella@noaa.gov, 732/ 872-3116)

MILFORD, CT OFFICE, 212 ROGERS AVENUE, MILFORD, CT 06460

WATERFRONT DEVELOPMENT MASTER PLAN

The New York City Economic Development Corporation has issued a concept plan for creating public access opportunities in West Harlem. The proposed facilities would create a waterfront recreational area on the Hudson River between West 125th and 133rd Streets. The project proponents envision that the new public access space would accommodate a variety of activities including passive and active uses of the waterfront. Staff participated in preliminary coordination with the project proponents and will conduct the necessary natural resource coordination with the lead federal action agency, presumably the ACOE. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

ACOE HOLDS PUBLIC HEARING FOR St. LAWRENCE CEMENT APPLICATION

The New York District, ACOE recently held a Public Hearing to collect public comment for a new industrial marina, mine and cement plant operation proposed by St. Lawrence Cement. Habitat Conservation Division staff attended the hearing and will prepare agency comments in the coming weeks. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

LIPA WIND FARM INITIATIVE UPDATE

In January 2003, the Long Island Power Authority (LIPA) issued a request for proposals (RFP)

from one or more entities to “develop, own, operate, and maintain a 100-140 MW wind-powered electric generating plant (“Wind Park”) to be located off the southern shore of Long Island, and to sell the capacity, energy, environmental attributes, and related ancillary services to its wholly-owned subsidiary, the Long Island Lighting Company d/b/a LIPA (“LIPA”)”. In the interim since that announcement, the Milford Field Office staff have participated in pre-application coordination with several project proponents and the involved regulatory and resource agencies (including State and federal entities). Key RFP deadlines are coming up in the second and third quarter of calendar year 2003. According to LIPA’s stated schedule, Section 10/404 permit applications could be published before the end of this calendar year.

(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

I-95 RECONSTRUCTION PROJECT UNDER CONSIDERATION

The Milford Field Office received preliminary notification that a portion of Interstate 95 may be reconstructed between the City of Rye, New York and The Town of Greenwich, Connecticut. The proposed activities may affect resources of concern (including designated essential fish habitat) in the Byram River and western Long Island Sound. Based upon the available information, it is not yet possible to determine the scope and magnitude of impacts that would accrue to resources of concern. (Diane.Rusanowsky@noaa.gov, 203/ 882-6504)

INTERACTIVE PROJECT REVIEWS FOR CT/RI SHELLFISH AQUACULTURE PROPOSALS

The culturing of shellfish in confined structures has become a significant portion of the Connecticut and Rhode Island permitting programs. CT has over 100 square miles of leased or franchised shellfish beds in their waters and the industry is moving into the water column above those beds. In RI, the process is in an earlier stage but the flow of individuals seeking to farm the sea for eastern oysters, blue mussels, northern quahog, and bay scallops has become a common request at the monthly project coordination meetings in both states. Recognizing the coming pressure to facilitate aquaculture permit reviews, the ACOE and the two states have constructed interactive review protocols that allow the federal agencies to defer to the state or facilitates a state/federal interaction. Using the new process in CT, we assembled a five site permit for the Mohegan Indians in eastern CT waters. Multiple site requests are now the norm. In RI, we are reviewing commercial level operations on single site but significant acreage projects. With the retirement of John Volk from the Bureau of Aquaculture in CT, we will have to take a breath on actions. As one who worked with John, I assure you the state and industry have lost a major player. In Rhode Island, as the result of a terrible vessel loss on the high seas, we have had Dave Alves reposition himself at the reins of the aquaculture coordination. Although the circumstances were the worst, his return does make permitting of aquaculture projects an easier task. (Michael.Ludwig@NOAA.gov, 203/ 882-6504)

“EXOTIC” CLAM SEED PROPOSED FOR GROW-OUT IN THE NORTHEAST U.S.

The introduction of exotic species is a strange topic for the Habitat Conservation Division to be involved in, but in recent weeks we have been approached by companies seeking to sell northern quahog seed grown in Hawaii from brood stock purchased in Massachusetts, the importation and spawning of Pearl oysters from Asia, and the use of transgenic fish in research programs at a number of coastal, academic institutions. Disease, “escapes,” hitchhikers on the seed, and waste water treatment have arisen as the principal concern areas. While most of the questions we have

raised have well researched answers, we are seeing and hearing that the sale of raw shellfish and the availability of native stocks seem to be on divergent courses as sales continue to rise. We have been told that CT was blessed with a major northern quahog spawning and settlement event in the fall of 2002. The set occurred from Branford to Greenwich.

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